



# Marathon County Nonmetallic Mining Permit Partnership Project



## Summary

The Department of Natural Resources (DNR) has developed an agreement with Marathon County that will shorten the DNR permit application turnaround time for qualifying mining operators if specific project siting, design and operational criteria are met. For qualifying projects Marathon County zoning officials will provide assistance in site inspection, public notification, bonding, and permit issuance.

## Rationale

Under Marathon County ordinances, nonmetallic mineral mining operations are required to obtain a County Mining permit. In addition, permits may be required from the DNR if certain conditions exist (Chapter 30, state statutes and NR 340, administrative code). When permits are required from both the County and the DNR, the process can be redundant and lengthy. This new agreement considerably shortens the permit application process, thereby decreasing the wait time for permits.

## Who is Affected?

The proposed agreement affects new nonmetallic mineral mining operations or existing operations that are being modified. In addition, it applies only to those operations that require a DNR permit under chapter 30.19, 30.195, or 30.20. These permits are required for the following:

- Operation that results in a pond within 500 feet of a navigable waterway
- Operation that results in a pond that ultimately connects to a navigable waterway, regardless of distance from the waterway
- An enlargement to an existing operation that meets the above criteria
- Grading in excess of 10,000 square feet on the banks of a navigable waterway.

## Current Process

If a nonmetallic mineral mining operation does not include one of these activities, they are only required to complete

the County permit process. If any of the above activities



are proposed, the operation must receive both County and DNR permits to commence mining. The DNR permit process involves submittal of a detailed application; a resource review by water management specialists, fish managers, and wildlife managers; an environmental assessment (EA); and public notice. The entire process is lengthy and may take up to a year to complete. If a permit is granted the County reviews the plan and issues or denies their own permit.

## New Process

The new process allows operators to complete an abbreviated DNR permit process if certain requirements are met. When one of the above activities is proposed, the operation must still receive both County and DNR permits to commence mining. However, the DNR has created a general EA that covers a wide range of site conditions. If a mining facility design meets the requirements set forth in the generic EA, the DNR will shorten the permitting process and the County will provide supplemental permitting review, site inspection, and reporting. Operators are still required to meet public notice requirements (Ch. 30.19(3)) and follow all other permit processes for activities not specifically covered by the generic EA, however in some instances these requirements have been combined with County requirements. The DNR retains the right to access property at any time

and conduct site investigations as necessary. If a site does not meet the specific requirements set forth in the generic EA, the normal permit application process must be completed.

### **How does this help nonmetallic mineral mining operators?**

If sites meet the generic EA criteria, DNR permits are issued with minimal review and the County handles the supplemental permit review, site inspection, and reporting. This will save the operator the time that would normally be spent in DNR application review and EA preparation. This could potentially save the operator six months to a year of wait time.

### **How does this help the DNR and the County?**

The DNR and the County have collaborated during the development of the generic EA requirements. This has resulted in a more consistent permit review process and more comprehensive protection of Marathon County's natural resources. In exchange for a reduction of the workload in the permit process, the DNR will take the lead in regulating shoreland grading activities >10,000 square feet, thereby reducing the County's workload.

### **What will some of the general EA criteria be?**

Consultations with DNR wildlife and water quality experts have yielded recommendations



for nonmetallic mineral mining operations. These recommendations take into account wildlife, fish, water quality, and downstream users.

Attached is a table outlining the EA criteria and how they apply. If these criteria cannot be met, a regular permit process must be followed.

### **Will the general EA apply to all sites?**

Some potential sites will not be eligible for this shortened permit process. For example, if a proposed nonmetallic mining activity is proposed along a waterway designated as an Outstanding Resource Water or Exceptional Resource Water by the DNR, a regular permit process must be followed.

Another exception may be for activities located in watersheds that have a documented occurrence of a state or federally listed threatened or endangered species.

### **Will this involve any more work for the mining operators?**

The application process is similar to the one currently in place. However, more detailed site drawings are required to ensure that all of the generic EA criteria can be met. For example, drawings have to indicate the required 100' buffers along waterways and around wetlands. Pond drawings must also indicate finished shoreline features and depth contours.

### **Where do I get more information?**

Several informational meetings with mine operators have been slated for this winter. In addition DNR and Marathon County staff can provide guidance for questions about the permit process and Generic EA requirements.

#### For More Information Contact:

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